

Memorial Resolution

S. R. No. 196—By Senator Watson: Memorial resolution for L. R. Dean.

Adjournment

On motion of Senator Moffett the Senate at 12:07 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

THIRTY-FOURTH DAY

(Wednesday, March 6, 1963)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Kennard

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Bates.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 6, 1963.
Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 95, A bill to be entitled "An Act fixing the salaries to be paid certain officials in certain counties; repealing all laws in conflict therewith; and declaring an emergency."

H. C. R. No. 35, Inviting the Honorable John Connally, Governor of Texas, to address a Joint Session of the House and Senate of the Fifty-eighth Legislature of the State of Texas.

H. B. No. 48, A bill to be entitled "An Act amending the Texas Motor Vehicle Safety-Responsibility Act relating to the deposit of security following certain accidents, the proof of financial responsibility in certain instances, the suspension of certain licenses, registrations and non-resident operating privileges, and certain penalties; providing for severability; and declaring an emergency."

S. C. R. No. 16, Providing committee to select a Poet Laureate and alternate Poet Laureate for State.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guests

Senator Crump by unanimous consent presented Mr. L. B. Smith, the editor of the "Brady Standard" of Brady to the Members of the Senate.

Senator Bates by unanimous consent presented Mr. Oscar McInnis Norman, First Assistant District Attorney of Hidalgo County to the Members of the Senate.

Reports of Standing Committees

Senator Ratliff submitted the following reports:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 223, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 129, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 236, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 280, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 325, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 100, have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Rogers submitted the following report:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Senator Schwartz submitted the following report:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred S. B. No. 279, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

SCHWARTZ, Chairman.

C. S. S. B. No. 279 was read first time.

Senator Calhoun submitted the following reports:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 52, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

CALHOUN, Chairman.

C. S. S. B. No. 52 was read the first time.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred S. B. No. 5, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred H. B. No. 45, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred H. B. No. 62, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Senator Dies submitted the following reports:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 297, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 159, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 142, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

DIES, Chairman.

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 320, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committee indicated:

By Senators Word and Hazlewood:

S. B. No. 353, A bill to be entitled "An Act amending Article 5.33 of the Insurance Code being Article 5.33 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951 as last amended; provided that all fire insurance premiums and losses shall be included by the State Board of Insurance in any system designed to give credit for a good fire record made by any city, town, village or locality; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senator Bates:

S. B. No. 354, A bill to be entitled "An Act amending Sub-Section (5) of Section 5 of Chapter 68, page 94, Acts of the 48th Legislature, Regular Session, 1943, as amended, and codified as Article 5172a of Vernon's Civil Statutes providing for the limiting of hours of labor and the prescribing of wages for overtime labor for certain female employees including employees

of banking institutions; repealing all laws in conflict; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Spears:

S. B. No. 355, A bill to be entitled "An Act amending Subdivision 7 of Article 7150 of the Revised Civil Statutes of Texas, 1925, as amended, so as to exempt from taxation as an institution of purely public charity any corporation in this state of a non-profit and purely charitable nature and formed for the charitable and benevolent purpose of preventing cruelty to animals, to promote humane and kind treatment of them, and to aid and assist by all legal and proper means the enforcement of the laws of this state for the prevention of cruelty to animals of every kind and nature; and declaring an emergency."

To the Committee on State Affairs.

By Senators Parkhouse, Kennard, Spears and Owen:

S. B. No. 356, A bill to be entitled "An Act amending Acts of the Fifty-third Legislature, 1953, Regular Session, Chapter 266, Page 691, as amended, codified as Article 4494-n, Vernon's Civil Statutes of Texas, as amended, by adding another section, Section 5b, more specifically expressing certain existing powers of hospital districts created under said Article 4494-n and also granting additional and cumulative powers to such hospital districts; providing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Spears:

S. B. No. 357, A bill to be entitled "An Act declaring the public policy of the State of Texas relating to use of public funds for purposes for which they are appropriated and allocated; defining offenses in relation thereto; providing penalties; repealing conflicting laws; and declaring an emergency."

To the Committee on Finance.

By Senator Bates:

S. B. No. 358, A bill to be entitled "An Act amending Section 5a of Chapter 68, page 94, Acts of the 48th Legislature, Regular Session, 1943, as

amended, and codified as Article 5172a of Vernon's Civil Statutes providing for the limiting of hours of labor and prescribing of wages for overtime labor for certain female employees including employees of banking institutions; repealing all laws in conflict; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Strong:

S. B. No. 359, A bill to be entitled "An Act enacting the Texas Professional Corporation Act; defining terms; providing for the contents and filing of articles of incorporation; providing that the Texas Business Corporation Act shall be applicable to professional corporations except where said Act and this Act are in conflict; providing that a professional corporation may be organized only for the purpose of rendering one specific type of professional service and services ancillary thereto; authorizing the ownership of property and the making of investments; prescribing the number and qualifications of incorporators, shareholders, officers and directors; prohibiting a professional corporation from rendering professional services except through officers, employees and agents duly licensed to render such professional service in this State; providing for the issuance and transfer of shares; providing procedures in the event of legal disqualification; governing the relationship of shareholders or their estates or legal representatives in the event of final or temporary severance; preserving professional and confidential relationships and liabilities; defining the liability of the corporation and its shareholders; authorizing certain corporate names and prohibiting others; prescribing certain prohibited acts; providing for the filing of annual certificates and the fee therefor; authorizing and directing regulatory boards to issue certificates and fixing the maximum fee therefor; providing an effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hall:

S. B. No. 360, A bill to be entitled "An Act amending Section 3 and Section 5 of the Article 3.50 of the Insurance Code of the State of Texas so as to permit the use after December 31, 1959 of the Commissioner's

1958 Standard Ordinary Mortality Table with adjustments for female risks; amending sub-paragraph (c) of paragraph (1) of Article 3.28, Texas Insurance Code, and sub-section (e) of Section 2 of Article 3.52, Texas Insurance Code, to permit the use of the Commissioner's 1961 Standard Industrial Mortality Table; providing a severability clause; and declaring an emergency."

To the Committee on Insurance.

By Senators Bates and Schwartz:

S. B. No. 361, A bill to be entitled "An Act amending Section 3 of Article 2654b-1, of Vernon's Civil Statutes of the State of Texas, providing that children of members of the Texas National Guard and the Texas Air National Guard killed on active duty may receive benefits of Section 1 thereof; and declaring an emergency."

To the Committee on Education.

By Senator Blanchard:

S. B. No. 362, A bill to be entitled "An Act defining the term 'issuer' as meaning any and every kind and type of political or governmental instrumentality or entity in or of the State of Texas; authorizing any issuer to refund any of its outstanding bonds or interest coupons by the issuance of refunding bonds payable from any lawful source; providing for the manner in which said refunding bonds may be issued and delivered, and for certain restrictions in connection therewith; providing for the exchange of said refunding bonds for the obligations being refunded, or for the sale of said refunding bonds for cash to provide the money required to pay, retire, or redeem, prior to maturity, the obligations being refunded; providing in connection with the sale of refunding bonds for the deposit of money, or direct obligations of the United States of America, with the State Treasurer of the State of Texas in an amount sufficient to provide for the payment, retirement, or redemption of the obligations being refunded, and requiring the State Treasurer to use said deposits and the proceeds therefrom for such payment, retirement, or redemption; providing that all such deposits, and the proceeds therefrom, shall be kept and held separate and apart in escrow, and in trust, charged with a first lien in favor of the holders of the obligations to be paid therefrom, and protecting said deposits, and the

proceeds therefrom, by the State Treasurer's official bonds; providing for making appropriate arrangements with the place or places of payment, for the payment, retirement, or redemption of the obligations being refunded; providing that such obligations being refunded shall be discharged, and shall not be regarded as being outstanding, when the required deposits have been made hereunder; providing that this act shall be cumulative of all other laws on the subject, but shall prevail and control in the case of conflict with any other law; prescribing a severability provision; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Richter:

S. B. No. 363, A bill to be entitled "An Act amending Section 2 of Chapter 88, Acts of the 41st Legislature, 1929, as amended, by adding thereto a new Subsection (g), providing that there shall be a partial exemption from license fees for vehicles used in the transportation from farm to farm of soil conservation machinery and equipment, and that owners of such vehicles may register not more than one vehicle at the reduced license fee, and that upon application for registration, the applicant shall submit an affidavit that the vehicle is to be used only for the stated purposes, and a certification by the supervisor of the appropriate Soil Conservation District that the applicant has been approved as a transporter of soil conservation machinery and equipment, and providing that a registration certificate issued pursuant to this Act shall indicate clearly the nature of the operation for which the vehicle shall be used, and that this certificate shall at all times be kept in or on the vehicle so as to permit ready inspection; and declaring an emergency."

To the Committee on Transportation.

By Senators Kazen and Colson:

S. B. No. 364, A bill to be entitled "An Act authorizing counties, cities and hospital districts to contract with the Board for Texas State Hospitals and Special Schools in aid of community mental health services programs; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Moore:

S. B. No. 365, A bill to be entitled "An Act relating to the control, management and disposition of the separate and community property of married persons and the liability of such property for debts and claims, and to the capacity of married women to make contracts, to sue and be sued, and to enter into other business or legal relationships; amending Article 4614 of the Revised Civil Statutes of Texas, 1925, relating to the separate property of the wife; amending and rearranging Articles 4619, 4620, 4621, 4623, and 4624 of the Revised Civil Statutes, relating to the control, management and disposition of community property and to liability of community and separate property for debts and claims; amending Article 4625 of the Revised Civil Statutes, so as to abrogate the present law on emancipation of females under twenty-one years of age by marriage and to abolish disabilities of coverture of married women; adding an article, designated as Article 4625a of the Revised Civil Statutes, relating to a spouse acting as agent for the other spouse; amending Article 5535 of the Revised Civil Statutes so as to abolish coverture of a married woman as a ground for tolling periods of limitation for legal actions; repealing Articles 1299, 1983, 1984, 1985, 4615, 4616, and 4626 of the Revised Civil Statutes, and repealing all other laws to the extent of conflict with this Act; providing against retroactive application of this Act; fixing its effective date; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Watson:

S. B. No. 366, A bill to be entitled "An Act providing that neither the State nor any political subdivision or agency thereof shall take official notice of any Federal Decennial Census, or any part thereof, prior to January first of the year immediately following the calendar year in which the census was taken; providing that the State, its political subdivisions and agencies thereof shall recognize and act upon the reports of the Director of the Bureau of the Census as of said January 1 or upon the subsequent publication thereof; providing for a repealing clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Moffett and Kazen:

S. B. No. 367, A bill to be entitled "An Act authorizing a permanent statutory revision program for the State of Texas; placing the responsibility for planning and executing the program in the Texas Legislative Council; providing for the appointment of a Statutory Revision Advisory Committee to advise the Legislative Council on certain matters; and declaring an emergency."

To the Committee on State Affairs.

By Senator Blanchard:

S. B. No. 368, A bill to be entitled "An Act establishing, authorizing, and providing for the '_____ County Industrial Training School District' located in any county in this state having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last preceding federal census, so as to provide vocational training for residents and non-residents of such county; authorizing the election and terms in office of three (3) trustees, and authorizing them to appoint four (4) certain additional persons to serve with them on such governing board for a term of no longer than four (4) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the district's purposes; authorizing such district to levy, assess, and collect taxes; providing that the district shall be operated on its tax revenue, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom; authorizing the abolishment of said district and the disposition of its affairs; providing a severability clause; and declaring an emergency."

To the Committee on Education.

By Senators Hazlewood and Moore:

S. J. R. No. 25, Proposing an amendment to Article VII of the Constitution of the State of Texas by adding a new section to be known as Section 19, providing that the Legislature shall not create any additional four-year state-supported institutions of higher learning except with the approval of the Commission on Higher Education, the State Board of Education, and with a two-thirds (2/3) vote of membership of each House of the Texas Legislature.

To the Committee on Constitutional Amendments.

Senate Concurrent Resolution 31

Senator Herring offered the following resolution:

S. C. R. No. 31, Dedicating certain land to the City of Austin for street purposes.

Whereas, By H. C. R. No. 82, the 53rd Legislature dedicated certain right-of-way to the City of Austin for Shoal Creek Boulevard; and

Whereas, The City Council of the City of Austin has agreed to vacate 0.073 of an acre of the right-of-way dedicated by the aforementioned H. C. R. No. 82 of the 53rd Legislature provided that the Legislature now dedicate .061 of one acre of land to permit a better alignment of Shoal Creek Boulevard; and

Whereas, The Legislature finds it to be in the public interest to dedicate said .061 of an acre in consideration for the vacation by the City Council of the City of Austin of the aforementioned 0.073 of one acre in order to permit such realignment of Shoal Creek Boulevard in the City of Austin; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the hereinafter described tract be and the same is hereby dedicated to the City of Austin for street purposes; said tract of land being more particularly described as follows:

0-061 of one acre of land, same being out of and a part of that certain 100.00 acre tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas, which 100.00 acre tract of land was conveyed to the State of Texas by Warranty Deed dated July 28, 1887 of record in Volume 76 at Page 225 of the Deed Records of Travis County, Texas; said 0.061 of one acre of land being more particularly described by metes and bounds as follows:

Beginning at an iron pin at the most westerly corner of the herein described tract of land, same being the northeast corner of Lot 5, Block A. Shoal Courts, a subdivision of record in Book 6 at Page 185 of the Plat Records of Travis County, Texas, which point of beginning is also the point of intersection of the south line of the said State of Texas tract of land and the proposed curving west line of Shoal Creek Boulevard, said

curve having an intersection angle of $65^{\circ} 33'$; a radius of 318.41 feet and a tangent distance of 205.00 feet;

Thence, following said proposed west line of Shoal Creek Boulevard with a curve to the right an arc distance of 47.61 feet, the sub-chord of which arc bears $N 25^{\circ} 53' E 47.56$ feet, to an iron pin at the point of tangency of said curve;

Thence, continuing with the proposed west line of Shoal Creek Boulevard, $N 30^{\circ} 10' E 150.31$ feet to its point of intersection with the present west line of said Shoal Creek Boulevard, same being the point of curvature of a curve whose intersection angle is $49^{\circ} 09'$, whose radius is 481.51 feet, and whose tangent distance is 220.20 feet, for the most northerly corner of the herein described tract of land;

Thence, following said present west line of Shoal Creek Boulevard with a curve to the left an arc distance of 203.63 feet, the sub-chord of which arc bears $S 18^{\circ} 03' W 202.12$ feet to its point of intersection with the aforesaid south line of the State of Texas tract of land, same being the north line of the aforesaid Shoal Courts, for the most easterly corner of the herein described tract of land;

Thence, with the said south line of the State of Texas tract of land, $N 59^{\circ} 55' W 38.89$ feet to the point of beginning.

The resolution was read and was referred to the Committee on Counties, Cities and Towns.

**House Concurrent Resolution 35
on Second Reading**

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 35, Inviting the Honorable John Connally, Governor of Texas, to address a Joint Session at 12:00 o'clock noon on Thursday, March 7, 1963.

The resolution was read and was adopted.

Senate Concurrent Resolution 32

Senator Cole offered the following resolution:

S. C. R. No. 32, Granting United

Gas Pipe Line Company permission to sue the State.

Whereas, United Gas Pipe Line Company is a Delaware corporation doing business in the State of Texas in accordance with the laws of the State of Texas; and

Whereas, United Gas Pipe Line Company paid to the State of Texas severance beneficiary taxes in the amount of \$88,450.69 for the month of September, 1959, such taxes having been levied by Articles 22.01-22.09, House Bill No. 11, Acts 1959, 56th Legislature, 3rd Called Session, page 187, Chapter 1, which Act has been declared unconstitutional by the Austin Court of Civil Appeals, the Texas Supreme Court having refused writ of error, in the case styled Calvert v. Transcontinental Gas Pipeline Corporation, 341 S.W. 2d 680 (Tex. Civ. App.—Austin, 1960, error refused); and

Whereas, The Austin Court of Civil Appeals, the Texas Supreme Court having refused writ of error, has held that taxes paid under the Act were unlawfully extracted and that said Act was void and of no force or effect; and

Whereas, There is no provision in the laws of the State of Texas to determine accurately and definitely what amount of taxes, if any, should be returned; and

Whereas, In order to determine definitely and accurately the same, it is the policy of the Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature to give and grant to persons and corporations the right to litigate any allegedly valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that United Gas Pipe Line Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money alleged to have been heretofore illegally extracted and paid by United Gas Pipe Line Company under said unconstitutional law, and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney Gen-

eral, the State Treasurer and the Comptroller of Public Accounts; and, be it further

Resolved, That such suit may be filed within two years from the effective date of this Resolution; and, be it further

Resolved, That it is understood that the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State of Texas or any fact is made by this Resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases; and, be it further

Resolved, That no interest shall be paid to the United Gas Pipe Line Company in the event a final judgment is obtained by it for recovery of taxes paid under Articles 22.01-22.09, House Bill No. 11, Acts 1959, 56th Legislature, 3rd Called Session, page 187, chapter 1; provided if a final judgment is obtained by United Gas Pipe Line Company, all increases in rates obtained on the basis of taxes paid under said Act shall be refunded in full to all those having paid such rate increases.

The resolution was read and was referred to the Committee on Jurisprudence.

House Bill 310 on Second Reading

Senator Hardeman moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 310 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—80

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused**Kennard**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 310, A bill to be entitled "An Act amending Chapter 416, Acts of the 50th Legislature, 1947, by adding a new section to be numbered Section 1A, providing for the taking of certain fish from the waters of Val Verde County; and declaring an emergency."

The bill was read second time and was passed to third reading:

House Bill 310 on Third Reading

Senator Hardeman moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 310 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused**Kennard**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Creighton
Bates	Crump
Blanchard	Dies
Calhoun	Hall
Cole	Hardeman
Colson	Harrington

Hazlewood	Ratliff
Herring	Reagan
Kazen	Richter
Krueger	Rogers
Moffett	Schwartz
Moore	Spears
Owen	Strong
Parkhouse	Watson
Patman	Word

Absent—Excused**Kennard****House Bill 335 on Second Reading**

Senator Owen moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 335 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused**Kennard**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 335, A bill to be entitled "An Act amending Section 4 of Chapter 209, Acts of the 48th Legislature, Regular Session, 1943 (compiled as Article 978 1-2 of Vernon's Texas Penal Code), which relates to the taking of game birds, game animals, and fur-bearing animals west of the Pecos River; vesting the Game and Fish Commission with full power and discretion to regulate the taking of wild deer in that area; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 335 on Third Reading

Senator Owen moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 335 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 320 on Second Reading

Senator Owen moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 320 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word

Absent

Parkhouse Schwartz

Absent—Excused

Kennard

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 320, A bill to be entitled "An Act changing the terms of office of members of Boards of Regents of Junior College Districts operating under Chapter 146, Acts of the 51st Legislature, 1949 (compiled as Article 2815o, Vernon's Texas Civil Statutes), to six years; providing for the filling of vacancies; providing that this Act shall be cumulative of all other laws except in case of conflict; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend H. B. No. 320 by deleting Section 4 thereof and substituting in lieu thereof the following:

Section 4. Except as modified by this Act, all such elections in such junior college districts shall be held in the manner and in conformity with the provisions of law now applicable; provided, however, that this Act shall not become effective as to Cisco Junior College until January 1, 1964.

The amendment was adopted.

Record of Vote

Senator Owen asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 320 on Third Reading

Senator Owen moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word
Kazen	

Absent

Parkhouse

Absent—Excused

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word
Kazen	

Absent

Parkhouse

Absent—Excused

Kennard

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 48, To the Committee on Insurance.

H. B. No. 95, To the Committee on Counties, Cities and Towns.

House Bill 64 on Second Reading

Senator Moffett moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 64 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Kennard

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 64, A bill to be entitled "An Act regulating the distribution, sale, or transportation of insecticides, fungicides, rodenticides, defoliants, disiccants, plant regulators, nematocides, and other economic pesticides and devices; regulating traffic therein; providing for labeling registration, and examination of such materials; defining certain terms; imposing penalties, and for other purposes; providing other provisions relating thereto; prescribing the powers and duties of the Commissioner of Agriculture including provisions for his consultation with appropriate officials of certain organizations; providing a severability clause; repealing Chapter 98, Acts of the 48th Legislature, Regular Session, 1943, as amended, and all other conflicting laws to the extent of such conflict; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following committee amendment to the bill:

Amend House Bill No. 64 by striking out all below the enacting clause and substitute in lieu thereof the following:

"Section 1. Title. This Act shall be known as the "Insecticide, Fungicide, and Rodenticide Act of Texas."

Sec. 2. Definitions. For the purpose of this Act:

A. The term "economic pesticide" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Commissioner shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. The term does not include any "commercial fertilizer" within the meaning of Chapter 37, Acts of the 57th Legislature, 1961, known as the Texas Commercial Fertilizer Control Act of 1961.

B. The term "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, weeds, nematodes, or such other pests as may be designated by the Commissioner, but not including equipment used for the application of economic pesticides when sold separately therefrom.

C. The term "ingredient statement" means either:

(1) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic pesticide, and in the case of a liquid economic pesticide, in a one-gallon container or more, an additional statement of the pounds per gallon of each active ingredient; or

(2) A statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic pesticide (except Option 1 shall apply if the preparation is highly toxic to man, determined as provided in Section 5 of this Act); and, in addition to (1) or (2) in case the economic pesticide con-

tains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

D. The term "active ingredient" means:

(1) In the case of an economic pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

(2) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(3) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

(4) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

E. The term "person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

F. The term "commissioner" means the Texas Commissioner of Agriculture or his duly authorized agent.

Sec. 3. Prohibited Acts.

A. It shall be unlawful for any person to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(1) Any economic pesticide which has not been registered pursuant to the provisions of Section 4 of this Act, or any economic pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic pesticide differs from its composition as represented in connection with its registration. Provided, that, in the discretion of the Commissioner, a change in the labeling or formula of an economic pesticide may be made within a registration period without requiring reregistration of the product.

(2) Any economic pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container,

or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

(b) The name, brand, or trademark under which said article is sold; and

(c) The net weight or measure of the contents of the container, subject, however, to such reasonable variations as the Commissioner may permit after he consults with the advisory group provided for in Section 5B of this Act. Provided, that in the case of a tank truck used merely to deliver an economic pesticide to the user when the truck does not remain in the user's hands, an invoice with the required labeling information left with the purchaser at the time of delivery of the economic pesticide is permissible in lieu of a label being affixed to the tank.

(d) The ingredient statement as provided for in Section 2C of this Act.

(3) Any economic pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 5 of this Act, unless the label shall bear, in addition to any other matter required by this Act:

(a) The skull and crossbones;

(b) The word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) A statement of an antidote for the economic pesticide.

(4) Any economic pesticide that is not distinctly colored or discolored in accordance with such rules and regulations as the Commissioner shall issue pursuant to this Act.

(5) Any economic pesticide which is adulterated or misbranded, or any device which is misbranded.

B. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic pesticide in a manner that may defeat the purpose of this Act;

(2) For any person to use for his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the state or

to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of Section 4 of this Act.

Sec. 4. Registration.

A. Every economic pesticide which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the Commissioner, and such registration shall expire August 31 of each year and shall be renewed annually. The registrant shall file with the Commissioner a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) The name of the economic pesticide;

(3) A complete copy of the labeling accompanying the economic pesticide and a statement of all claims to be made for it including directions for use; and

(4) If requested by the Commissioner a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic pesticide was registered or last re-registered.

B. The registrant shall pay to the Commissioner an annual registration fee of Twenty Dollars (\$20) for each economic pesticide registered provided that:

(1) All registration fees collected by the Commissioner under this Act shall be paid into the State Treasury by the Commissioner and placed by the State Treasurer in the Special Department of Agriculture Fund, and shall be used only for administrative and enforcement purposes of this Act;

(2) Any registrant who is located outside the State of Texas but who distributes economic pesticides in the State of Texas shall deposit with the Commissioner an instrument in writing appointing a resident agent within this state upon whom service may be had in actions filed by the state or

taken by the Commissioner in the administration or enforcement of this Act.

(3) The Commissioner is authorized to cancel all registrations of any registrant who fails to comply with the requirements of this Act.

C. The Commissioner, whenever he deems it necessary in the administration of this Act, may require the submission of the complete formula of any economic pesticide. If it appears to the Commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of Section 3 of this Act, he shall register the article.

D. If it does not appear to the Commissioner that the article is such as to warrant the proposed claims for it or if the article with its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the Act so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the Commissioner shall register the article, under protest, and such registration shall be accompanied by a warning, in writing, to the registrant of the apparent failure of the article to comply with the provisions of this Act. In order to protect the public, the Commissioner, on his own motion, may at any time cancel the registration of an economic pesticide and in lieu thereof issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under Section 3 of this Act.

E. Notwithstanding any other provision of this Act, registration is not required in the case of an economic pesticide shipped from one plant within this state to another plant within this state operated by the same person.

Sec. 5. Determinations; Rules and Regulations; Uniformity.

A. The Commissioner is authorized, after opportunity for a hearing:

(1) To declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances;

(2) To determine whether economic pesticides are highly toxic to man; and

(3) To determine standards of coloring or discoloring for economic pesticides and to subject economic pesticides to the requirements of Section 3A (4) of this Act.

B. The Commissioner, after consulting with suitable officials of organizations known to be concerned with the manufacture, distribution, and use of economic pesticides, is authorized to make and issue appropriate rules and regulations for carrying out the provisions of this Act, including rules and regulations providing for the collection and examination of samples of economic pesticides and devices and for the labeling of custom mixes.

C. The Commissioner, after such consultation as is prescribed in paragraph B of Section 5 hereof, shall from time to time issue such rules and regulations as are necessary to carry out the purposes of this Act. Such rules and regulations shall be published from time to time and made accessible to those affected by this Act.

D. The Commissioner shall furnish upon request quarterly reports and one consolidated annual report of the official economic pesticide sample results. The contents of the report are to be determined in a manner which the Commissioner finds most expedient.

Sec. 6. Enforcement.

A. The Commissioner shall have authority to enter into any building or place owned, controlled or operated by a registrant or dealer where, from probable cause it appears that said building or place contains economic pesticides for the purpose of inspection or sampling, and shall have the power to take a sample for official analysis from any package or lot of economic pesticides, including custom mixes, found within this state. The Commissioner shall have the power to issue and enforce a written or printed "stop-sale" order to the owner or custodian of any economic pesticide which he has reason to believe is in violation of any of the

provisions of this Act prohibiting further sale of such economic pesticide until he has evidence that the law has been complied with. Provided, that in respect to the economic pesticide which has been denied sale as provided in this paragraph, the owner or custodian of such economic pesticide shall have the right to appeal from such order to a court of competent jurisdiction where the economic pesticide is found, praying for a judgment as to the justification of said order and the discharge of such economic pesticide from the order prohibiting the sale in accordance with the findings of the court; and provided further that the provisions of this paragraph shall not be construed as limiting the right of the Commissioner to proceed as authorized by other Sections of this Act.

B. In addition to the remedies herein provided, the Commissioner is hereby authorized to institute an action in his own name to enjoin any violation of any provision of this Act.

C. The Commissioner is authorized to contract with state colleges, state agencies or commercial laboratories for examination of economic pesticides provided such facilities and examinations are certified as adequate by the head of the A. & M. College Agricultural Analytical Services Laboratory and provided that such contracts to commercial laboratories are let on a competitive bid basis.

D. The Commissioner shall make or provide for service sample tests of economic pesticides on request, and after consulting with the advisory group as provided for in Section 5B of this Act, he shall fix and collect charges for each service sample on a cost basis.

Sec. 7. Exemptions.

A. The penalties provided for violation of Section 3A of this Act shall not apply to:

(1) Any carrier while lawfully engaged in transporting an economic pesticide within this state, if such carrier shall, upon request permit the Commissioner or his designated agent to copy all records showing the transactions in and movement of the articles;

(2) Public officials of this state and the federal government engaged in the performance of their official duties;

(3) The manufacturer or shipper of

an economic pesticide for experimental use only;

(4) Any person who employs or uses economic pesticides in the sale of a pest extermination or control service;

(a) By or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of economic pesticides, or

(b) By others if the economic pesticide is not sold and if the container thereof is plainly and conspicuously marked "For Experimental Use Only—Not To Be Sold," together with the manufacturer's name and address; provided, however, that if a written permit has been obtained from the Commissioner, economic pesticides may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

B. No article shall be deemed in violation of this Act when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this Act shall apply.

Sec. 8. Penalties.

A. Any firm, corporation, or person who shall sell or offer for sale any economic pesticide or device without having attached thereto such statements as are required by law or who shall sell or offer for sale any adulterated or misbranded economic pesticide or device within the meaning of this Act, or who shall violate any other provisions of this Act, shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200) for each offense.

B. Notwithstanding any other provision of this Section, in case any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of Section 4 of this Act, he shall upon conviction be guilty of a misdemeanor, and he shall be fined not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) or imprisonment for not more than one year, or both.

Sec. 8A. In all appeals prosecuted in any of the courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that

term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act.

Sec. 9. Seizures.

A. Any economic pesticide or device that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any court of competent jurisdiction in any county of the state where it may be found and seized for confiscation by process of libel for condemnation:

(1) In the case of an economic pesticide,

(a) If it is adulterated or misbranded;

(b) If it has not been registered under the provisions of Section 4 of this Act;

(c) If it fails to bear on its label the information required by this Act;

(d) If it is a white powder economic pesticide and is not colored as required under this Act.

(2) In the case of a device, if it is misbranded.

B. If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the State Treasurer; provided, that the article shall not be sold contrary to the provisions of this Act; and provided further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be de-

livered to the owner thereof for relabeling or reprocessing as the case may be.

C. When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

Sec. 10. Delegation of Duties. All authority vested in the Commissioner by virtue of the provisions of this Act may with like forces and effect be executed by such employees of the Texas Department of Agriculture as the Commissioner may from time to time designate for said purpose.

Sec. 11. Cooperation. When he deems it necessary, the Commissioner is authorized and empowered to cooperate with, and enter into agreements with any other agency of this state, the United States Department of Agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this Act and securing uniformity of regulations.

Sec. 12. Severability. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Sec. 13. Repeals. Chapter 98, Acts of the 48th Legislature, Regular Session, 1943, at last amended by Section 1 of Chapter 422, Acts of the 55th Legislature, Regular Session, 1957, compiled as Article 135b-1, Vernon's Texas Civil Statutes is hereby repealed. All other laws and parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict.

Sec. 14. Emergency Clause. The fact that the present law does not afford adequate control and provide for effective regulation of the distribution of economic pesticides in Texas creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The committee amendment was read.

Senator Moffett offered the following amendment to the committee amendment:

A m e n d Committee Amendment Number 1 to House Bill Number 64, Line 12, Page 2, printed bill, by striking out the entire Line 12 and substituting in lieu thereof the following:

"If the economic pesticide is registered in conformity with the requirements of this Act for other economic pesticide."

The amendment was adopted.

The committee amendment as amended was then adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 64 on Third Reading

Senator Moffett moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 64 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Kennard

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 95, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

House Bill 95 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 95 was ordered not printed.

Welcome Resolutions

S. R. No. 205—By Senator Dies: Extending welcome to B. H. Broiles of Jacksonville.

S. R. No. 206—By Senator Moffett: Extending welcome to Mr. Jack Meharg, et al., of Chillicothe.

S. R. No. 209—By Senator Crump: Extending welcome to students and teachers of Marble Falls High School.

S. R. No. 210—By Senator Krueger: Extending welcome to Sheriff Jim Flournoy and John Kubina of Fayette County.

S. R. No. 211—By Senator Herring: Extending welcome to students and

teachers of Wooldridge School of Austin.

S. R. No. 212—By Senators Schwartz, Colson, Krueger and Cole: Extending welcome to Senior Class, teachers and sponsors of Katy High School.

S. R. No. 213—By Senator Watson: Extending welcome to students of journalism class of Baylor University and teachers, Dave Cheavens and David McHam.

S. R. No. 214—By Senator Spears: Extending welcome to a group of foreign students and teacher of Trinity University of San Antonio.

S. R. No. 215—By Senator Watson: Extending welcome to students and teacher of Axtell High School.

S. R. No. 216—By Senators Aikin and Hardeman: Extending welcome to the Honorable Carson Gilmer and Mrs. Gilmer of Rock Springs.

S. R. No. 217—By Senator Hall: Extending welcome to S. L. Todd, et al.

Memorial Resolutions

S. R. No. 207—By Senator Spears: Memorial resolution for Nat Goldsmith.

S. R. No. 208—By Senator Watson: Memorial resolution for Bernard C. (Pete) Latham.

Adjournment

On motion of Senator Moffett the Senate at 11:57 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

THIRTY-FIFTH DAY

(Thursday, March 7, 1963)

The Senate met at 11:00 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hall
Blanchard	Hardeman
Calhoun	Harrington
Cole	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Kennard
Dies	Krueger

Moffett	Richter
Moore	Rogers
Owen	Schwartz
Parkhouse	Spears
Patman	Strong
Ratliff	Watson
Reagan	Word

Absent—Excused

Bates

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Cole.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 107, A bill to be entitled "An Act amending Article 680 of the Code of Criminal Procedure of Texas, 1925, to provide for alternate jurors in felony cases and for procedure in felony cases when a juror becomes unable or disqualified to continue; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act amending Acts 1923, 38th Legislature, 2nd Called Session, Chapter 47, page 101, codified as Article 1440, Vernon's Annotated Civil Statutes, and also codified as Article 1054, Vernon's Annotated Penal Code."

H. B. No. 236, A bill to be entitled "An Act amending Section 2 of Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended, relating to commercial fishing in certain counties to prohibit fishing commercially in the Angelina River of Nacogdoches County; and declaring an emergency."